

Chapter 17.75

SIGN REGULATIONS

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17.75.010 Purpose and intent.

The city council finds as follows:

A. An excess of large, ugly, intense signs causes a visual blight on the open space. This visual blight adversely affects the aesthetic quality of life and traffic safety in Rocklin for residents, businesses, pedestrians and persons in vehicles. In order to promote the appearance of the city, while protecting the rights of sign owners to expression and identification, the regulation of existing and proposed signs is necessary to protect the public health, safety and general welfare.

B. The purpose of this chapter is to encourage signs which are integrated with, and harmonious to, the buildings and sites which they occupy, to eliminate excessive and confusing sign displays, to preserve and improve the appearance of the city as a place in which to live and to work and as an attraction to nonresidents who come to visit or trade, and to restrict signs which increase the probability of accidents by distracting attention or obstructing vision.

C. This chapter provides minimum standards to safeguard life, safety, property and public welfare by regulating the size, height, construction, location, electrification, operation and maintenance of all signs and sign structures exposed to public view within the city. The pleasing visual appearance and traffic safety of the city cannot be preserved and achieved by

measures less restrictive than the procedures and standards of this chapter. (Ord. 778 § 1 (part), 1998).

17.75.020 Applicability.

A. This chapter shall not apply to the following signs:

1. Signs which are not visible from any public vehicular or pedestrian right-of-way;
2. Signs required by federal or state law which do not exceed the minimum number and dimensional requirements of that law;
3. Holiday decorations.

B. Noncommercial messages may be placed on any sign otherwise permitted by this chapter.

C. Real estate signs may be placed as authorized by Civil Code Section 713 et seq., subject to the following requirements:

1. Real estate signs shall comply with the type, number, area, height, special restrictions and permitting requirements applicable to temporary signs in the zoning district in which the real estate sign is located.
2. Real estate signs shall comply with the provisions of Section 17.75.030, Standards, except that portable signs may be used as real estate signs. (Ord. 778 § 1 (part), 1998).

17.75.030 Standards.

All signs shall comply with the following requirements except that signs located in the Rocklin downtown area, as delineated by the Rocklin downtown revitalization plan and design guidelines (guidelines), shall also comply with the requirements of the guidelines.

A. Limitations.

1. No sign shall exceed the number, size, height and location limitations of the district in which it is located.

2. Window signs shall not cover more than thirty-five percent of the area of each window. Total signage placed on any window may not include unused signage amounts allowable for other windows. For the purpose of defining window area, multiple windows separated by mullions or frames of less than four inches are considered a single window. Window sign area shall

not be considered in computing the maximum allowed building signage.

B. Illumination.

1. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness shall not cause adverse glare to surrounding areas.

2. Except where otherwise expressly permitted, no signs shall be equipped with blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color.

C. Placement of Signs.

1. Commercial signs shall be located on or within five hundred feet of the property on which the business product, service, or other commercial activity which is being advertised is located, except that commercial signs for businesses located on Granite Drive shall be located on or within one thousand feet of the property on which the business product, service, or other commercial activity which is being advertised is located. Whenever an off-site sign is placed on another property, the off-site sign shall be deducted from the number and area of signs allowed on the property where the off-site sign is located.

2. a. Except as provided in this subdivision, a sign shall not be located in, or project over, the public right-of-way or other public property.

b. Building signs in the Rocklin Front Street historic district and the downtown district may encroach into the public right-of-way or other public property, as delineated by the Rocklin downtown revitalization plan and design guidelines, with an encroachment permit issued by the city engineer.

3. Building signs shall be placed so as not to project above the roof line, except signs may be placed on a parapet wall, and up to the ridge of a mansard roof.

4. At street intersections, no sign exceeding thirty inches in height shall be erected within the "clear view zone" as defined in Section 17.75.090.

5. Signs placed at or near driveway entries shall not obstruct the view of drivers entering or leaving driveways.

6. Signs shall not be placed on trees, utility poles, benches and fences.

7. Signs shall not be placed in such a manner as to obstruct a door or fire escape of any building.

8. Freestanding signs shall be set back a minimum of three feet from any property line adjacent to a street or the street right-of-way.

9. Signs shall not be placed and/or designed in such a manner as to create a traffic hazard. Examples of such sign placement and/or design include, but are not limited to, signs which interfere with traffic sight distances, traffic flow or the visual access to a traffic sign; and signs with color, configuration, text or location which cause them to be mistaken for, or otherwise imitate, a traffic sign or signal.

D. Construction Standards.

1. All signs shall be constructed in accordance with applicable requirements of R.M.C. Chapter 15.04, Uniform Construction Codes.

2. Permanent signs shall be constructed of durable materials.

3. Use of banner signs as permanent signs is prohibited.

4. Signs which rotate, spin, or otherwise move are prohibited.

5. Portable signs are prohibited either as permanent or temporary signs except as provided for in Section 17.75.060(H).

E. Maintenance. All signs shall be properly maintained. Exposed surfaces shall be cleaned and painted if necessary. The structural integrity of signs shall be maintained at all times. Defective parts shall be replaced. Any sign in a state of disrepair is hereby declared to be a public nuisance and may be abated pursuant to chapter 8.04. (Ord. 778 § 1 (part), 1998).

17.75.040 Signs exempt from permit requirements.

The following signs are exempt from the permit requirements of Section 17.75.070 but must comply with all other provisions of this chapter.

1. Signs which are less than four square feet, and are located in a nonresidential zoning district except that all portable signs shall require a sign permit.

2. Permanent building signs which are two square feet or less in any residential zoning district.

3. Temporary signs in any residential zoning district.

4. Temporary noncommercial signs located in any nonresidential zoning district for the period commencing forty-five days before a general or special election (as defined in the California Election Code) to be conducted within the city of Rocklin, and ending five days after such elections. (Ord. 778 § 1 (part), 1998).

17.75.050 Permanent signs.

Unless otherwise stated, the following regulations apply on a per lot basis.

A. Vacant lots in single-family residential and R-2 zoning districts.

1. Types of signs permitted: noncommercial freestanding signs;

2. Maximum number of signs:

a. One sign for the first three hundred feet of each street frontage or part thereof, and

b. One sign for each additional three hundred feet of street frontage;

3. Area limitations: maximum of twenty-four square feet per sign;

4. Height limitations: eight feet;

5. Special restrictions: no illumination.

B. Vacant lots in multifamily and nonresidential zoning districts.

1. Types of signs permitted: commercial and non-commercial freestanding signs;

2. Maximum number of signs:

a. One sign for the first three hundred feet of each street frontage or part thereof, and

b. One sign for each additional three hundred feet of street frontage;

3. Area limitations: maximum of forty-eight square feet per sign;

4. Height limitations: eight feet;

5. Special restrictions: no illumination.

C. Developed lots in single-family and R-2 zoning districts, excluding institutional uses.

1. Types of signs permitted: noncommercial building and freestanding signs;

2. Maximum number of signs:

a. One building sign per residence, and

b. One freestanding sign per street frontage of common area, located within the common area;

3. Area limitations:

a. Maximum of two square feet for building signs,

b. Maximum of sixteen square feet for freestanding signs located in common area;

4. Height limitations: six feet for freestanding signs;

5. Special restrictions: no illumination.

D. Developed lots in R-3 zoning districts.

1. Types of signs permitted: commercial and non-commercial building and freestanding signs;

2. Maximum number of signs:

a. One freestanding sign per street frontage or one sign per vehicular entrance, whichever is greater except that two signs may be allowed at a project entry driveway if the signs are designed as an integral part of the project's entryway wall, as determined by the community development director, and

b. Two building signs per street frontage for the complex;

3. Area limitations:

a. Maximum of thirty-two square feet for each freestanding sign,

b. Maximum of thirty-two square feet for each building sign for the complex;

4. Height limitations: six feet for freestanding signs.

E. Institutional uses in residential districts:

1. Types of signs permitted: commercial and noncommercial building and freestanding signs;

2. Maximum number of signs:

a. One freestanding sign per street frontage, or one sign per vehicular entrance, whichever is greater, and

b. Two building signs per street frontage;

3. Area limitations:

a. Maximum of thirty-two square feet for each freestanding sign,

b. Maximum of thirty-two square feet for each building sign;

4. Height limitations: six feet for freestanding signs.

F. Developed lots in business professional, commercial, and industrial zoning districts, except lots along the I-80 freeway:

1. Types of signs permitted: Commercial and non-commercial building and freestanding signs;

2. Maximum number of signs:

a. One freestanding sign for the first two hundred feet of street frontage or part thereof, and one additional freestanding sign for each additional two hundred feet of street frontage. All parcels included in a single conditional use permit shall be considered a single parcel for purposes of calculating the maximum number of signs allowed,

b. There is no limit on the number of building signs per tenant building frontage, provided the sign area limitations are not exceeded;

3. Area limitations:

a. Two square feet of building sign area for each linear foot of tenant building frontage, up to a maximum of one hundred square feet for each tenant building frontage. A tenant building frontage which exceeds one hundred linear feet is allowed one additional square foot of sign area for each additional linear foot of tenant building frontage over one hundred feet,

b. Maximum of one hundred square feet for each freestanding sign. Where more than one business is located on the same lot or in the same building, a joint use sign may be erected not to exceed two hundred square feet. Signs oriented toward, and located within one hundred feet of the freeway, and located on parcels contiguous to I-80 or Highway 65, excluding properties contiguous to Stanford Ranch Road/Highway 65 interchange shall be allowed a maximum sign area of two hundred square feet for a single business or three hundred square feet for a joint-use sign;

4. Height limitations:

a. Fifteen feet for freestanding signs oriented to a city street, except that where more than one freestanding sign exists or is proposed on a parcel, only one such sign may have a height greater than six feet,

b. Thirty feet for freestanding signs which are oriented to the Highway 65 freeway, excluding properties contiguous to Stanford Ranch Road/Highway 65 interchange, provided the freestanding sign is located within one hundred feet of the freeway and is located on a lot which is contiguous to the freeway,

c. Sixty feet for freestanding signs which are:

i. Oriented to a Highway 65 freeway interchange, excluding properties contiguous to the Stanford Ranch Road/Highway 65 Interchange, and

ii. Located on a lot which is contiguous to the freeway, and

iii. Located within one hundred feet of a freeway interchange,

d. Fifteen feet for freestanding signs oriented to the Stanford Ranch Road/Highway 65 interchange and provided the sign is within one hundred feet of the interchange and is located on a lot contiguous to the interchange;

5. Special Restrictions: For the purpose of calculating allowable sign area, two or more businesses located in the same tenant space shall be considered one tenant building frontage.

G. Developed lots in business professional, commercial, and industrial zoning districts along the I-80 freeway:

1. Types of signs permitted: Commercial and non-commercial building and freestanding signs;

2. Maximum number of signs:

a. One freestanding sign per lot. All lots included in a single conditional use permit shall be considered a single lot for purposes of calculating the maximum number of signs allowed,

b. There is no limit on the number of building signs per tenant building limitations are not exceeded;

3. Area limitations:

a. Two square feet of building sign area for each linear foot of tenant building frontage, up to a maximum of one hundred square feet for each tenant building frontage. A tenant building frontage which exceeds one hundred linear feet is allowed one additional square foot of sign area for each additional linear foot of tenant building frontage over one hundred feet,

b. Maximum of two hundred square feet for freestanding sign for a single business or three hundred square feet for a freestanding joint-use sign;

4. Height limitations: Thirty feet, provided the freestanding sign is located within one hundred feet of the freeway;

5. Special Restrictions: For the purpose of calculating allowable sign area, two or more businesses

located in the same tenant space shall be considered one tenant building frontage.

H. Planned development districts: Signage restrictions for planned development (PD) districts shall be based on the requirements of the zoning district most comparable to the PD or land use in question. (Ord. 830 §§ 1—3, 2000; Ord. 814 §§ 1—3, 1999; Ord. 780 §§ 1, 2, 1998; Ord. 778 § 1 (part), 1998).

17.75.060 Temporary signs.

In addition to permanent signs allowed under Section 17.75.040, temporary signs are allowed as provided in this section. Unless otherwise stated, the following regulations apply on a per lot basis:

A. There shall be no restriction on the number and size of temporary noncommercial signs in all districts for the period commencing forty-five days before a general or special election, as defined in the California Election Code, and ending five days after such elections.

B. Temporary commercial signs shall not be displayed for more than ninety days in any calendar year. Portable signs allowed in accordance with subsection H of this section shall be in addition to temporary signs allowed for each business.

C. Vacant lots in single-family residential zoning districts.

1. Types of signs permitted: commercial and non-commercial freestanding signs;
2. Maximum number of signs:
 - a. One sign for the first three hundred feet of each street frontage or part thereof, and
 - b. One sign for each additional three hundred feet of street frontage;

3. Area limitations: maximum of twenty-four square feet per sign;

4. Height limitations: eight feet;

5. Special restrictions: no illumination.

D. Vacant lots in multifamily and nonresidential zoning districts.

1. Types of signs permitted: commercial and non-commercial freestanding signs;

2. Maximum number of signs:

a. One sign for the first three hundred feet of each street frontage or part thereof, and

b. One sign for each additional three hundred feet of street frontage;

3. Area limitations: maximum of forty-eight square feet per sign;

4. Height limitations: eight feet;

5. Special restrictions: no illumination.

E. Developed lots in single-family and R-2 zoning districts, excluding institutional uses.

1. Types of signs permitted: noncommercial building and freestanding signs;

2. Maximum number of signs:

a. One building sign per residence, or

b. One freestanding sign per street frontage;

3. Area limitations:

a. Maximum of four square feet for building signs,

b. Maximum of nine square feet for freestanding signs;

4. Height limitations: six feet for freestanding signs;

5. Special restrictions: no illumination.

F. Developed lots in R-3 zoning district.

1. Types of signs permitted: commercial and noncommercial building and freestanding signs;

2. Maximum number of signs:

a. One freestanding sign per street frontage, and

b. One building sign per building frontage;

3. Area limitations:

a. Maximum of nine square feet for freestanding signs,

b. Maximum of sixteen square feet for building signs;

4. Height limitations: six feet;

5. Special restrictions: no illumination.

G. Institutional uses in residential districts:

1. Types of signs permitted: commercial and non-commercial building and freestanding signs;

2. Maximum number of signs:

a. One freestanding sign per street frontage, and

b. One building sign per street frontage;

3. Area limitations:

a. Maximum of nine square feet for each freestanding sign,

b. Maximum of sixteen square feet for each building sign;

4. Height limitations: six feet;

5. Special restrictions: no illumination.

H. Developed lots in business professional, commercial and industrial districts:

1. Types of signs permitted: commercial and noncommercial building, freestanding signs and portable signs which comply with the requirements of subdivisions (2)(d), (3)(c), (4)(b), (5)(b) and (5)(c) of this subsection.

2. Maximum number of signs:

a. One freestanding sign per street frontage for the complex, and

b. One freestanding sign for each tenant building frontage, and

c. One building sign for each business within each tenant building frontage. In lieu of a building sign, special advertising devices, such as balloons and pennants, may be displayed, provided the display period does not exceed fourteen days. Special advertising devices shall be exempt from the area and height restrictions of subdivisions (H)3 and (H)4 of this subsection.

d. One portable sign for new businesses;

3. Area limitations:

a. Maximum of sixteen square feet for each freestanding sign, excluding the allowed signage for portable signs,

b. Maximum of thirty-two square feet for each building sign,

c. Maximum of twelve square feet for portable signs;

4. Height limitations:

a. Eight feet for freestanding signs,

b. Four feet for portable signs;

5. Special restrictions:

a. Freestanding signs in excess of six feet shall not be located closer than one hundred feet from any other freestanding sign,

b. Portable signs shall be allowed for a one-time only, ninety continuous day period for new businesses, provided the ninety-day period occurs within six months of the start of the business. (Ord. 814 § 4, 1999; Ord. 778 § 1 (part), 1998).

17.75.070 Permit requirements and procedures.

A. The community development director shall be responsible for the administration and enforcement of this chapter.

B. 1. Except as otherwise provided by this chapter, no sign (permanent or temporary) shall be installed, erected or displayed until the director has determined that its design and placement comply with all requirements of this chapter and has issued a sign permit to the applicant and proprietor of the sign.

2. A sign permit is not required to repair, clean, repaint or refurbish any existing sign, unless such activity involves the replacement, reconstruction or relocation of the sign.

3. No permit is required for changing the copy of a sign provided: (a) there are no changes to the sign structure or cabinet, and (b) the area of the sign is not being enlarged.

C. An application for a sign permit shall be made on a form prescribed by the director and accompanied by a fee in an amount established by city council resolution. The application shall, at a minimum, contain the following:

1. The name, address, telephone number and signature of the owner or lessee, or contractor of the property upon which the sign is to be located;

2. A plot plan which shows the location of the building or lot, upon which sign is to be placed;

3. A dimensioned elevation of the building on which the sign is to be placed with the location of the sign clearly identified;

4. A scaled or dimensioned drawing of the sign and its relative location on the building and/or location of freestanding signs on the lot;

5. A list of all existing signs on the lot and/or tenant building frontage.

D. Signs shall be approved as follows:

1. The director shall review a completed sign permit application and shall issue the sign permit upon determination that the sign meets the requirements of this chapter.

2. Signs located in downtown Rocklin, as delineated in the Rocklin downtown revitalization plan and design guidelines, shall require design review approval by the planning commission.

E. The director's decision may be appealed to the commission, and the commission's decision may be appealed to the council under Chapter 17.86.

F. Issuance of a sign permit shall not relieve the applicant from complying with all other applicable laws relating to displaying or erecting a sign, including, but not limited to, obtaining any required sign or electrical permit under R.M.C. Chapter 15.04 Uniform Construction Codes.

G. Signs associated with projects subject to design review under Chapter 17.72 shall be regulated as a part of and under the criteria governing design review. Design review shall not authorize a sign to exceed the limitations on the number, size, height, and location of signs contained in this chapter, but may restrict the number, size, height and location of signs below that allowed in this chapter. (Ord. 830 § 4, 2000; Ord. 813 §§ 5, 6, 1999; Ord. 778 § 1 (part), 1998).

17.75.080 Nonconforming signs.

A. Nonconforming signs shall be permitted to remain until such time as any of the events listed in subsection B of this section occurs. At such time, the sign must be removed or brought into conformance with this chapter.

B. A nonconforming sign shall lose its status as a nonconforming sign if any of the following occurs:

1. The sign is relocated or replaced;

2. The structure, height or size of the sign is altered in any way except toward compliance with this chapter. Face changes and normal maintenance are allowed;

3. The sign structure is damaged or destroyed by more than fifty percent of its value at the time of damage or destruction. (Ord. 778 § 1 (part), 1998).

17.75.090 Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings given below:

A. "Banner sign" means a temporary sign made of nonrigid material such as fabric, canvas, plastic or paper, and without an enclosing rigid framework.

B. "Building sign" means a sign attached to a building and includes, but is not limited to, wall signs, banners, under canopy signs, projecting signs, awning signs, and window signs.

C. "Clear view zone" means the area of a corner lot closest to the intersection which must be kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Typically, such an area is established by marking a point at which the two curb lines intersect, measuring back twenty-five feet on each street front, and drawing a line across the two back points to form a triangulated area.

D. "Commercial sign" means any sign, wording, logo, or other representation that names or advertises a business, location, product, service, or other commercial activity.

E. "Common area" means land within or related to a development not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

F. "Developed lot" means a lot or parcel containing a structure intended for occupancy. It also includes all of the area of a nonresidential use included in a single conditional use permit as long as at least one parcel has a structure intended for occupancy.

G. "Director" means the community development director of the city of Rocklin or his/her designated representative.

H. "Flashing sign" means an illuminated sign in which artificial or reflected light is not intended to be maintained in a stationary or constant intensity.

This includes a time and temperature recording device and electronic reader board.

I. "Freestanding sign" means a sign which is self-supporting in a fixed location or supported on the ground by poles or braces, and not attached to a building or other structure.

J. "Freeway interchange" means the right-of-way line of freeway ramps. Where improvements are proposed to the interchange, at the discretion of the City Engineer, the right-of-way of the proposed interchange may be used for determining eligibility and location for freeway pole signs.

K. "Holiday decorations" means nonpermanent signs or displays, including lighting, celebrating national, state and local holidays or holiday seasons.

L. "Illegal sign" means a sign which is not a non-conforming sign and does not meet the requirements of this chapter.

M. "Illuminated sign" means any sign utilizing an artificial source of light (internal or external) to enhance its visibility.

N. "Institutional uses" means churches, day care facilities, private schools, community care facilities, nursing homes and clubhouses, or other facilities owned by a homeowners association.

O. "Lots along the I-80 freeway" means lots which share a common property boundary with the I-80 freeway or any of its interchanges.

P. "New business" means the start of operation of a new business at a given location or the relocation of an existing business to a new location. Change in ownership of an existing business in and of itself shall not constitute a new business.

Q. "Noncommercial sign" means any sign which is not a commercial sign.

R. "Nonconforming sign" means a sign which, though lawful when erected, would be prohibited under later-enacted changes to the regulations applicable to it.

S. "Off-site" sign means any sign which advertises goods, products, services, establishment or facilities not sold or offered at the property on which the sign is located.

T. "Permanent sign" means a sign intended for display for longer than ninety consecutive days in a calendar year.

U. "Portable sign" means any sign designed to be moved easily and not permanently attached to the ground or other permanent structure. Portable signs include, but are not limited to, A- or T-frame signs, menu and sandwich board signs, and signs designed to be transported by means of wheels.

V. "Projecting sign" means a sign which uses a building or structure as its main source of support and contains copy that is perpendicular or at an angle to the building face, and does not extend above the roof line.

W. "Real estate sign" means a sign advertising that real property is for sale, lease, or exchange by the owner or his agent, giving directions to the property, and giving the owner's or agent's name, address and telephone number.

X. "Roof-line" means the line formed by the junction of the top surface of the roof and the outside building of any building, excluding any structure constructed solely as an architectural feature to extend height or to screen equipment.

Y. "Roof sign" means a sign placed upon, projecting from or extending above the eaves of the roof or the roof itself. A sign hanging from and below the eave is not a roof sign.

Z. "Sign" means any painting, device, structure, fixture or placard using graphics, symbols, and/or written copy which is used, or intended to be used, to attract attention to an activity, belief, establishment, location, product, goods or services. Sign shall include both commercial and noncommercial signs whenever not specifically designated.

AA. "Sign area" means the following: The sign area of a sign with borders and/or background is measured by a single continuous perimeter enclosing the exterior limits of the border or background. The necessary supports, uprights or base upon which the sign is placed shall be excluded from the sign area. The sign area of an individually lettered sign without background is measured by enclosing the entire sign with a set of parallel vertical and horizontal lines. In computing the area of double-faced signs less than

two feet distance between faces only one side of the sign shall be computed as the total area.

BB. "Sign, face change" means any changes to the letter style, size, color, background or message, but not including a change in the sign's location, height or an increase in the sign area.

CC. "Sign height" means the vertical distance measured from the highest point of the sign to the upper surface of the grade beneath the sign. For signs which are oriented toward and located within one hundred feet of the freeway, located on parcels contiguous to I-80 or Highway 65, sign height shall be the vertical distance measured from the highest point of the sign to the upper surface of the center line of the nearest freeway travel lane, excluding freeway ramps.

DD. "Special advertising devices" means balloons, pennants and other physical devices used for advertising as approved by the community development director.

EE. "Street frontage" means the horizontal distance of a lot or portion thereof which abuts a public or private street.

FF. "Temporary sign" means a sign intended for display for not longer than ninety cumulative days in a calendar year.

GG. "Tenant building frontage" means the horizontal distance of a building or portion thereof occupied by a tenant measured along a wall facing a street, parking area, open space or pedestrian walkway.

HH. "Window sign" means a sign attached to, placed or painted upon, or placed within eighteen inches of, the window or glass door of a building, and/or is solely intended for viewing from the exterior of such building. (Ord. 830 §§ 5, 6, 2000; Ord. 814 § 7, 1999; Ord. 778 § 1 (part), 1998).

17.75.100 Violation—Penalty.

A. It is illegal to use, occupy or maintain property in violation of this chapter.

B. Violation of this chapter shall be a misdemeanor, but may be charged as either a misdemeanor or an infraction in the discretion of the prosecuting attorney.

C. If charged as an infraction, the minimum penalty for a first conviction is a fifty-dollar fine. For a second conviction within one year, the minimum penalty is a seventy-five dollars fine. For a third or subsequent conviction within one year, the minimum penalty is a one hundred dollar fine.

D. A person who violates the provisions of this chapter is guilty of a separate offense for each day, or portion thereof, during which the violation continues.

E. Violation of this chapter which threatens to be continuing in nature is a public nuisance which may be abated or enjoined as such in accordance with Chapter 8.04. or any other provision of law. (Ord. 814 § 8, 1999).

Chapter 17.76

FENCES, WALLS AND HEDGES

Sections:

- 17.76.010 Location—Height.**
- 17.76.020 Exemption by conditional use permit.**
- 17.76.030 Intersection height restriction.**
- 17.76.040 Reverse corner lots.**
- 17.76.050 Nonresidential zone abutting residential.**
- 17.76.060 Material.**
- 17.76.070 School fences—Conditional use—Variance.**

17.76.010 Location—Height.

Fences, hedges (including all screen plantings) and walls may be erected in all zones as follows:

A. Residential Zones. Fences, hedges (including all screen plantings) and walls may be erected to a height not exceeding six (6) feet in the following locations:

1. Along or inside the rear lot line;
2. Along or inside an interior side lot line to the rear of the front yard setback;
3. On a corner lot:
 - a. Along or inside the rear lot line,
 - b. Along or inside the street side lot line, but only in the area to the rear of the front yard setback;
4. On a reverse corner lot, from the rear of the main building to the rear lot line along or inside the line that forms the interior boundary of the street side setback.

B. Nonresidential Zones. Fences, hedges, (including all screen plantings) and walls may be erected to height not exceeding eight feet in the following locations:

1. Along or inside the rear lot line;
2. Along or inside an interior side lot line to the rear of the front yard setback;
3. On a corner lot:
 - a. Along or inside the rear lot line,
 - b. Along or inside the side lot. (Ord. 445 § 1, 1981; Ord. 336 § 7.02.060(a), 1977).

17.76.020 Exemption by conditional use permit.

The height limits specified in Sections 17.76.010 and 17.76.040 may be exceeded when authorized by conditional use permit. (Ord. 336 § 7.02.060(c), 1977).

17.76.030 Intersection height restriction.

A. Notwithstanding Sections 17.76.010, 17.76.020 and 17.76.040, no fence, hedge or wall may be erected:

1. To a height exceeding thirty inches above the nearest traveled roadway at any corner formed by intersecting public streets in the triangular area between the street right-of-way

lines and a diagonal line joining points on the right-of-way lines forty feet from the point of their intersection, or, in the case of rounded corners, the triangular area between the tangents to the curve of a diagonal line joining points on the tangent forty feet from the point of their intersection. The tangents referred to are those at the beginning and the end of the curve at the corner.

2. To a height exceeding thirty inches above the nearest traveled roadway at the intersection of any private driveway or public alley with a public street in the triangular area formed by the edge of the driveway or alley, the street right-of-way line, and a line connecting two points, one of which is on the right-of-way line forty feet from the edge of the driveway or alley and the other of which is on the edge of the driveway or alley twelve and one-half feet back of the right-of-way line measured perpendicular to the right-of-way line in a direction away from the street.

B. For purposes of this section, the right-of-way line is deemed to be the back edge of the sidewalk, or if none, the back edge of the curb, or if none, the outside edge of the area dedicated to the public for road purposes. (Ord. 336 § 7.02.060(d), 1977).

17.76.040 Reverse corner lots.

Fences, hedges (including all screen plantings) and walls may be erected to a height not exceeding thirty-six inches in any front yard setback or any street side setback on a reverse corner lot in all zones, except that in the RE and RA zones a nonsolid fence designed to enclose animals may be erected to a height of six feet. (Ord. 336 § 7.02.060(b), 1977).

17.76.050 Nonresidential zone abutting residential.

Notwithstanding Section 17.76.010, where a commercial or industrial zone abuts a residential zone or any street frontage, no fence or wall shall exceed six feet in height except as

authorized by a conditional use permit. (Ord. 445 § 2 (part), 1981; Ord. 336 § 7.02.060(i), 1977).

17.76.060 Material.

Fences and walls may be constructed of:

- A. Wood;
- B. Masonry;
- C. Chain link (with or without slats);
- D. Wire (including barbed wire), in the RE and

RA zones only;

E. Such other material as may be approved by the planning director. (Ord. 336 § 7.02.060(e), 1977).

17.76.070 School fences—Conditional use—Variance.

Nothing in this section shall be read:

A. To prohibit the planning commission or council from imposing different requirements for fencing in connection with the approval of a conditional use permit or variance;

B. To restrict fencing around any public school deemed necessary by the board of education of the school district in which the school is located. (Ord. 336 § 7.02.060(h), 1977).

Chapter 17.77

OAK TREE PRESERVATION

Sections:

- 17.77.010** Intent and purpose.
- 17.77.020** Definitions.
- 17.77.030** Prohibition.
- 17.77.040** Developed lot—Removal of oak tree—Permit.
- 17.77.045** Developed lot—Removal of oak tree—Single-family, duplex and triplex.
- 17.77.047** Developed lot—Removal of oak tree—Multifamily, commercial and industrial.

- 17.77.050** Undeveloped property—Tree preservation plan permit.
- 17.77.065** Emergency removal of dangerous trees.
- 17.77.070** Mitigation—General.
- 17.77.080** Mitigation—Undeveloped property.
- 17.77.090** Rocklin oak tree preservation fund.
- 17.77.100** Oak tree preservation guidelines.
- 17.77.110** Violations and penalties.

17.77.010 Intent and purpose.

By enacting this chapter of the Rocklin Municipal Code, to be known as the Rocklin Oak Tree Preservation Ordinance the city council finds that oak woodlands constitute a valuable natural resource within the city. They provide habitat for wildlife; they contribute to the city's beauty and varied scenery; they provide shade in parks as well as in developed areas; and they enrich soils and protect watersheds and streams from erosion. Oak woodlands have declined substantially in extent and quality, both locally and regionally. They are continuing to decline under pressures of range forage improvement, flood control, fire suppression and urbanization. The goal of this chapter is to address the decline of oak woodlands due to urbanization through a considered attempt to balance against the social benefits of private property ownership and development. To reach this goal, this chapter implements a comprehensive design review process for new development, offers incentives for oak tree preservation, and provides feasible alternatives and options to removal where practicable. This chapter is enacted in furtherance of Rocklin General Plan/Open Space Conservation and Recreation Element Policies 1 and 4. (Ord. 676 § 8 (part), 1993).

17.77.020 Definitions.

Within the context of this chapter, the following words and phrases shall have the meaning given below, unless otherwise specifically provided:

A. "Developed lot" means the following:

1. A lot zoned for single-family, duplex or triplex development, and subdivided down to its ultimate size consistent with the zone, with or without on-site improvements, but with completed subdivision improvements;

2. A lot zoned for multifamily, commercial or industrial use for which all discretionary entitlements, as well as design review approval under Chapter 17.72, have been approved and are effective. "Developed lot" shall not mean any lot which otherwise meets the requirements of this paragraph, but for which another discretionary entitlement, or a modification to an existing entitlement is being requested. Such lots shall be treated as undeveloped lots under this chapter.

B. "Guidelines" means the oak tree preservation guidelines adopted pursuant to Section 17.77.100 of this chapter.

C. "Heritage tree" means any oak tree with TDBH of twenty-four inches or more and which is of good or fair quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape for its species.

D. "Oak tree" or "tree" means an oak tree with a TDBH of six inches or more and of a species identified in the oak tree preservation guidelines by resolution of the city council as native to the Rocklin area.

E. "Property" means a lot or contiguous or noncontiguous lots, which, taken together, are proposed for development of a single project, whether or not phased.

F. "Removed," with reference to an oak tree, means the physical removal of the tree from the ground or the wilful injury, trimming, disfiguring or other harmful action which leads directly to physical removal or creates such a condition that makes disease likely or results in a significant risk of injury to persons or property.

G. "Surveyed trees" means all trees which are included in the arborist's tree survey required for a proposed project and are not located within an existing or proposed open space and conservation easement.

H. "TDBH" means trunk diameter of an oak tree at breast height, which is a point located four and

one-half feet above the root crown. TDBH of multi-trunk trees shall be the TDBH of the largest trunk only.

I. "Transplanted trees" means a tree which is moved from a field grown location and replanted in a new location. Transplanted trees are not nursery grown container plants.

J. "Undeveloped property" means any property or lot which is not a developed lot. (Ord. 746 § 1, 1996; Ord. 676 § 8 (part), 1993).

17.77.030 Prohibition.

No person shall remove an oak tree located wholly or partially within the city unless the requirements of this chapter are fully met and a permit has been obtained from the director. (Ord. 676 § 8 (part), 1993).

17.77.040 Developed lot—Removal of oak tree—Permit.

A. No oak tree shall be removed from a developed lot without first obtaining from the director an oak tree removal permit.

B. The director shall prepare and issue a form for making application for an oak tree permit. The form shall require the following information:

1. Condition of the tree;
2. Plot plan of the lot;
3. Reason and objective for removal;
4. Signature of the owner of the property on which the tree is located requesting or consenting to the removal;
5. Any other information as determined by the director to be necessary or convenient to evaluate the request.

C. Application for an oak tree removal permit shall be made by filing a completed application form with the director.

D. Within ten days of receipt of the application, the director or his authorized representative shall meet with the applicant to discuss the proposed tree removal and investigate alternative means to obtain the objective while minimizing the impact on the tree. One meeting shall be mandatory; additional meetings may be held if mutually agreed. (Ord. 676 § 8 (part), 1993).

17.77.045 Developed lot—Removal of oak tree—Single-family, duplex and triplex.

A. With respect to tree removal applications for single-family residential, duplex or triplex developed lots, the director shall issue the permit after conclusion of the meetings described in Section 17.77.040(D), unless the applicant voluntarily withdraws the application.

B. If the applicant does not withdraw the application and the permit is to be issued, the applicant shall be required to mitigate the impact of the tree removal as described below:

1. If the director determines that the tree is dead or diseased to such an extent, or is in such a manner that the tree poses a risk of injury to person or property, no mitigation shall be required.

2. If the director determines that the tree is healthy, the applicant shall mitigate removal of the tree in one or a combination of the following ways, at the applicant's option:

a. Replacing each heritage oak tree removed with five trees on site, and each nonheritage tree removed with two trees on site; provided, that the maximum number of replacement trees required to be planted on any one lot shall not exceed five. The species, size and planting location of the replacement trees shall be in accordance with the guidelines;

b. Payment of a fee for each tree removed in an amount set by resolution of the city council into the Rocklin oak tree preservation fund. (Ord. 676 § 8 (part), 1993).

17.77.047 Developed lot—Removal of oak tree—Multifamily, commercial and industrial.

With respect to applications for a tree removal permit for multifamily, commercial or industrial developed lots, the director shall take action on the application at the conclusion of the meeting described in Section 17.77.040(D) in one of the following ways:

A. If the director determines that the tree proposed for removal is healthy, the permit shall be denied.

B. If the director determines that the tree is dead or diseased to such an extent or in such a manner

that the tree poses a risk of injury to persons or property, the permit shall be issued, and the applicant shall be required to mitigate the impact of the tree removal in one or a combination of the following ways, at the option of the director:

1. Replacing each tree removed with one tree on site, the species, size and planting location of the replacement tree to be in accordance with the guidelines;

2. Payment of the fee for each tree removed in an amount set by resolution of the city council into the Rocklin oak tree preservation fund. (Ord. 676 § 8 (part), 1993).

17.77.050 Undeveloped property—Tree preservation plan permit.

A. Preservation and removal of healthy oak trees from undeveloped property shall be addressed in the development application review process, and shall be governed by the guidelines adopted under Section 17.77.100. Removal of oak trees from undeveloped property shall require mitigation.

B. No healthy oak tree shall be removed from such property until the review process is completed and a tree preservation plan permit has been issued.

C. Application for a tree preservation plan permit shall be made on forms issued by the director. Completed applications shall be filed, processed and acted upon as part of the project development application.

D. The body issuing a tree preservation plan permit shall require mitigation for the removal as a condition of the permit and approval of the project. Required mitigation shall be governed by Sections 17.77.070 and 17.77.080 and the guidelines.

E. A bond or other security instrument in an amount not less than ten thousand dollars shall be required as a condition of issuance of the permit to protect those trees identified for preservation during the construction period. The form and amount of the security instrument shall be specified by the permit issuing body and approved by the city attorney. No grading or other on-site work shall be permitted until the security is posted.

F. Notwithstanding any other provision of this section, a property owner may apply for an oak tree

removal permit to remove a dead, dying or diseased oak tree from an undeveloped property where no tree preservation plan permit is pending.

1. With respect to applications for a tree removal permit for dead, dying or diseased trees on undeveloped lots, the director shall take action on the application at the conclusion of the meeting described in Section 17.77.040(D) in one of the following ways.

a. If the director determines the oak tree is dead, dying or diseased to such an extent or in such a manner that the tree poses a risk of injury to persons or property, the oak tree removal permit shall be issued. No mitigation shall be required for removing a dead, dying or diseased tree from an undeveloped property.

b. If the director determines that the oak tree is not dead, dying or diseased the application shall be denied. (Ord. 676 § 8 (part), 1993).

17.77.065 Emergency removal of dangerous trees.

Notwithstanding any other provisions of this chapter to the contrary, the director may authorize the immediate removal of any oak tree upon the written request of the owner or other person in legal possession of the property and upon making a determination that the tree, because it is dead or diseased, poses an immediate risk of injury to persons or property which risks cannot feasibly be removed in any other manner. The owner thereafter shall be required to mitigate the tree removal in accordance with the provisions of this chapter. (Ord. 676 § 8 (part), 1993).

17.77.070 Mitigation—General.

All required tree mitigation shall conform to the guidelines and the following policies:

A. On-site mitigation through native oak tree replacement is the preferred mitigation method.

B. The location and condition under which replacement trees are planted must be carefully selected to allow for practicable and feasible future development to minimize the likelihood that future tree removal is not required, and to maximize the likelihood that the replacement trees will survive and thrive.

C. The ideal age and size of a replacement tree shall be as specified in the guidelines.

D. Transplanted trees, whether from on-site or off-site, may be accepted as replacement trees, but shall be given a discounted value, as specified in the guidelines, based on anticipated survival rates, as compared with nursery stock. The discounted value specified in the guidelines shall be reviewed from time to time.

E. Any replacement tree, including a transplanted tree, which dies within five years of being planted must be replaced on a one to one basis.

F. Where mitigation formulas use percentages, results will always be rounded up to the next whole number percentage. (Ord. 676 § 8 (part), 1993).

17.77.080 Mitigation—Undeveloped property.

Tree mitigation for undeveloped property shall conform to the following policies:

A. On property zoned B-P; C-1, 2, 3, 4; C-H; M-1, 2 or an equivalent PD zone, no fee payment, tree replacement, or land dedication will be required as mitigation for oak tree removal. In these zones, the following incentives shall be applied, upon request:

1. Projects which save twenty-five percent or more of the surveyed oak trees shall receive expedited processing by the community development department.

2. Defer city traffic mitigation and capital facilities fees as follows:

a. Saving twenty-five percent to forty-nine percent of the surveyed oak trees defers fee payment for three months.

b. Saving fifty percent to seventy-four percent of the surveyed oak trees defers fee payment for six months.

c. Saving seventy-five percent to ninety-nine percent of the surveyed oak trees defers fee payment for nine months.

d. Saving one hundred percent of the surveyed oak trees defers fee payment for twelve months.

B. For all zones other than those identified in subsection A, above, the following mitigation requirements shall apply:

1. Where not more than twenty percent of the TDBH of all the surveyed oak trees, and not more than twenty percent of the total number of surveyed oak trees on the property are to be removed, each tree shall be replaced on a two-to-one tree replacement ratio (two trees planted on-site for each tree removed).

2. Where more than twenty percent of the TDBH of all the surveyed oak trees or more than twenty percent of the total number of surveyed oak trees on the property are to be removed, each inch of TDBH removed in excess of twenty percent of the TDBH of all the surveyed oak trees shall be replaced with an equal number of inches of TDBH of replacement trees, but in no event shall the number of replacement trees be less than twice the number of trees removed (two to one).

3. The species, size and planting location of the replacement trees shall be in accordance with the guidelines.

4. Where on-site replacement is not feasible, mitigation shall be by off-site replacement, land dedication or payment of a fee in an amount set by resolution of the city council into the Rocklin oak tree preservation fund. Where partial mitigation is by on-site or off-site replacement, or land dedication, the fee shall be appropriately prorated. (Ord. 763 § 1, 1997; Ord. 746 § 3, 1996; Ord. 676 § 8 (part), 1993).

17.77.090 Rocklin oak tree preservation fund.

A. There is within the city treasury a separate fund to be known as the Rocklin oak tree preservation fund.

B. There shall be deposited in the fund all fees paid in connection with the mitigation of trees removed under this chapter or otherwise, plus any moneys received from bond forfeitures and enforcement actions to the extent allowed by law.

C. The council shall transfer from the general fund to the oak tree preservation fund a total amount of thirty thousand dollars. The transfer shall be in three ten thousand dollar increments and shall be made with the adoption of the city budget in each of the three succeeding fiscal years following the effective date of the ordinance codified in this chapter, enacting

this chapter, provided, that if the council, in its sole discretion, finds that the transfer should not be made in any one or more of those fiscal years due to budgetary constraints, the transfer for that year shall be postponed as directed by the council.

D. Expenditures from the fund shall be limited to the following: (1) acquisition of land deemed appropriate for oak tree reforestation; (2) acquisition, planting and maintenance of oak trees; (3) compensation of arborists retained by the city in connection with the administration of this chapter and any related program; (4) oak tree preservation educational programs; (5) administration and enforcement of this chapter. (Ord. 676 § 8 (part), 1993).

17.77.100 Oak tree preservation guidelines.

A. The council shall adopt, by resolution, guidelines to aid in the administration and implementation of this chapter, to be known as the Rocklin oak tree preservation guidelines.

B. The guidelines shall address each of the following issues:

1. A tree removal permit application process for the review of tree removal proposals on developed lots;

2. A tree preservation plan permit application process for the review of development proposals of undeveloped property;

3. A method of determining the amount of a bond or other security instrument required by Section 17.77.050(C) to guarantee protection of all oak trees designated for preservation during the project construction period;

4. Required mitigation for tree removal on undeveloped property consistent with and as more fully described in Sections 17.77.070 and 17.77.080;

5. Requirement that special attention be given to the preserving of heritage oak trees;

6. A list of native and hybrid oaks recommended as replacement trees;

7. Any other issues the council deems appropriate relating to oak tree preservation. (Ord. 676 § 8 (part), 1993).

17.77.110 Violations and penalties.

A. Violation of this chapter shall be punishable as a misdemeanor or an infraction at the discretion of the city attorney.

B. In addition to the provisions of subsection A of this section, violation of this chapter for failure to obtain a tree removal or tree preservation plan permit prior to removing a tree shall be punishable by an order for restitution and/or the payment of triple mitigation fees.

C. In addition to the provisions of subsection A of this section, violation of the terms or conditions of a tree removal or tree preservation plan permit shall be punishable by forfeiture of the security provided under Section 17.77.050(D), and order for restitution. (Ord. 676 § 8 (part), 1993).

Chapter 17.78**LARGE ANIMALS****Sections:**

- 17.78.010 Generally.**
- 17.78.020 Horse-only zones RE-1, RE-2, RE-30.**
- 17.78.030 RA-3, RA-5, RA-10 zones.**

17.78.010 Generally.

Large animals (excluding common household pets governed by Sections 6.44.050 and 6.44.060 of this code, which are not regulated by this chapter) are permitted in certain single-family residential zones where there is sufficient space to accommodate them, subject to the provisions of this chapter. In some zones, only horses are permitted. *Domestic swine are permitted as household pets as provided in Title 6.* No large animals may be kept on property where there is not an occupied single-family residence on the property unless a conditional use permit has been issued by the planning commission, but shall not exceed the number permitted on occupied premises without a conditional use permit. (Ord. 663 § 2, 1992; Ord. 370; Ord. 336 § 7.07.000, 1977).

17.78.020 Horse-only zones RE-1, RE-2, RE-30.

Horses, but no other large quadrupeds, are permitted in the following zones in the following numbers:

A. RE-30, one horse where the lot is not less than thirty thousand square feet, and two horses where the lot area is one acre net or greater.

B. RE-1 acre, one horse where the lot is not less than thirty thousand square feet, and two horses where the lot area is one acre net or greater.

C. RE-2 acre, three horses.

Additional horses may be kept on lots in excess of one acre net, in a number to be determined by the planning commission, where there is an occupied single-family dwelling on the premises. A conditional use permit is required for the keeping of additional horses. (Ord. 336 § 7.07.010, 1977).

17.78.030 RA-3, RA-5, RA-10 zones.

Large quadrupeds, including horses, are permitted in the following zones in the following numbers:

A. RA-3, four mature animals and their immature offspring (not to exceed twelve animals in total).

B. RA-5, five mature animals and their immature offspring (not to exceed fifteen animals in total).

C. RA-10, six mature animals and their immature offspring (not to exceed fifteen animals in total).

Additional animals may be kept, in a number to be determined by the planning commission, where there is an occupied single-family dwelling on the premises. A conditional use permit is required for the keeping of additional animals. (Ord. 336 § 7.07.020, 1977).

Chapter 17.79

LOCATION OF SEX ORIENTED BUSINESSES

Sections:

- 17.79.010 Purpose.
- 17.79.020 Definitions.
- 17.79.030 Special regulations.
- 17.79.040 Waiver of locational provisions.

17.79.010 Purpose.

The city council finds that sex oriented entertainment businesses, because of their very nature, have objectionable and deleterious operational characteristics and effects on adjacent areas, particularly when located in close proximity to each other and when located in close proximity to residentially zoned or used property. Special regulation of these businesses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of the regulation is to prevent the concentration or clustering of these businesses in any one area. (Ord. 464 § 1 (part), 1982; Ord. 336 § 7.08.000, 1977).

17.79.020 Definitions.

A. For purposes of this chapter, "sex oriented entertainment" businesses are defined as follows:

1. "Sex oriented book store" means an establishment having as a substantial or significant portion of its stock in trade books, maga-

zines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a significant or substantial segment or section devoted to the sale or display of such material.

2. "Sex oriented motion picture theater" means an enclosed or unenclosed building or structure or portion thereof where a significant or substantial portion of the material presented therein is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

3. "Sex oriented hotel or motel" means a hotel or motel wherein a significant or substantial portion of any material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

4. "Sex oriented motion picture arcade" means any place to which the public is permitted or invited wherein coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to persons, and where a substantial or significant portion of the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

5. "Sex oriented cabaret" means a nightclub, theater or other establishment which features live performances where a substantial or significant portion of the performances are by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

6. "Model studio" means any business where, for any form of consideration or gratuity,

figure models who display specific anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

7. "Sexual encounter center" means any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.

8. Any other business or establishment which offers its patrons services or entertainment, a significant or substantial portion of which are characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas.

B. For purposes of this chapter, "specified sexual activities" shall include:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy;
3. Fondling or other erotic touching or sexual stimulation of human genitals, pubic region, buttock, or female breast.

C. For purposes of this chapter, "specified anatomical areas" shall include:

1. Less than completely and opaquely covered (a) human genitals or pubic region; (b) buttock; (c) female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 464 § 1 (part), 1982; Ord. 336 § 7.08.010, 1977).

17.79.030 Special regulations.

A. The establishment of any sex-oriented entertainment business in any zone wherein such use is permitted under the provisions of this zoning code shall comply with the special regulations contained in this chapter in addition to the regulations applicable to the zone wherein the use is

established. No sex oriented entertainment business shall be established:

1. Within one thousand feet of any area zoned or used for residential purposes;
2. Within one thousand feet of any other sex oriented entertainment business; or
3. Within one thousand feet of any public or private school, park, playground, recreational area, designated historic area, public building, church, or any noncommercial establishment operated by a bona fide religious organization.

B. The establishment of any sex-oriented entertainment business shall include the opening of such a business as a new business, the relocation of such business, or the conversion of an existing business location to any sex oriented entertainment business use.

C. Distances required by these regulations shall be measured from the nearest property lines of the parcels of the zone in question or containing the use in question. (Ord. 464 § 1 (part), 1982; Ord. 336 § 7.08.020, 1977).

17.79.040 Waiver of locational provisions.

A. Any property owner or his authorized agent may apply for a waiver of any locational provisions as set forth in Section 17.79.030. The council, after receipt of the planning commission's recommendation and a hearing, may waive any locational provision, if the following findings are made:

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this chapter will be observed;
2. That the proposed use will not enlarge or encourage the development of a skidrow area;
3. That the establishment of a regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal;
4. That all applicable regulations of this code will be observed.

B. The procedure for this hearing shall be the same as that provided for in Chapter 17.70 of this code for the issuance of conditional use permits.

including the same notice requirement, and the same fees payable by the applicant. (Ord. 581 § 42, 1988; Ord. 464 § (part), 1982; Ord. 336 § 7.08.030, 1977).

Chapter 17.80

SECTION 5116 HOMES

Sections:

- 17.80.010** Permitted where.
- 17.80.020** Occupancy requirements—
Emergency contacts.
- 17.80.030** Spacing.

17.80.010 Permitted where.

To implement the policy of the state, set forth in Section 5116 of the Welfare and Institutions Code, any home of the type and meeting the requirements set forth in Section 5116 of the Welfare and Institutions Code shall be permitted as specified in Chapter 17.10 through 17.60. (Ord. 336 § 10.02.000, 1977).

17.80.020 Occupancy requirements— Emergency contacts.

A. A § 5116 home shall, prior to occupancy:

1. Meet all the requirements of the state agency which authorizes, certifies or licenses the home.

2. Be inspected by the fire chief and the building inspector and approved by them for occupancy only if all applicable regulations pertaining to fire and buildings are met.

B. The person(s) in charge of the home shall provide to the planning director and the chief of police the name and telephone number of one or more responsible persons who may be reached in case of emergency. (Ord. 336 § 10.02.010, 1977).

17.80.030 Spacing.

To ensure the normal residential character of the environment in which persons in § 5116 homes reside, and thus to accomplish the policy goals specified in the Welfare and Institutions

Code § 5116, no § 5116 home shall be located closer than three hundred feet to another such home. (Ord. 336 § 10.02.020, 1977).

Chapter 17.82

AMENDMENTS¹

Sections:

- 17.82.010** Manner generally.
- 17.82.020** Petition of owners—Resolution of intent.
- 17.82.030** Application.
- 17.82.040** Planning commission—
Hearing—Notice.
- 17.82.050** Planning commission—
Abandonment of proceeding.
- 17.82.060** Planning commission—Report.
- 17.82.070** Council—Hearing.
- 17.82.080** Council—Action.
- 17.82.090** Withdrawal of petition.
- 17.82.100** Reapplication after denial.
- 17.82.110** Intermediate sequential zones.

17.82.010 Manner generally.

This title may be amended by changing the boundaries of zones as shown on the official zoning maps or by changing the text of this title whenever the public necessity, convenience, or general welfare requires such amendment. Except as provided in Section 65853 of the Government Code, an amendment of this title may be initiated and adopted as other ordinances are initiated and adopted. (Ord. 336 § 2.03.000, 1977).

17.82.020 Petition of owners—Resolution of intent.

An amendment may be initiated by:

A. The petition of one or more owners of property affected by the proposed amendment as provided by this chapter;

B. Resolution of intention adopted by the council, or resolution of intention adopted by the planning commission. (Ord. 336 § 2.03.010, 1977).

17.82.030 Application.

The planning director shall prescribe the forms and documents to be filed to change property from one zone to another. The forms and documents shall be filed with the planning director and shall be accompanied by the following:

A. The legal description and street address of the subject property;

B. A map drawn to scale showing the specific property proposed for reclassification and also showing all other parcels having one or more boundaries within a three-hundred-foot radius of the exterior boundaries of the property proposed for reclassification. The assessor's parcel number shall be noted on each parcel;

C. The names and mailing addresses of the property owners for the properties shown on the map as listed on the last equalized assessment roll for the county;

D. An environmental questionnaire;

E. Certificate of the owner or his designated representative requesting the change in zoning;

F. A fee as specified by resolution of the council;

G. The existing land use for the property shown on the map and the proposed use of the land for which the reclassification is requested;

H. Such additional information as the planning director may require. (Ord. 336 § 2.03.020, 1977).

17.82.040 Planning commission--Hearing--Notice.

The planning commission shall hold a public hearing when required by Section 65853 and 65854 of the Government Code. Notice shall be

given as required by Section 65854 and 65854.5 of the Government Code. (Ord. 336 § 2.03.030, 1977).

17.82.050 Planning commission--Abandonment of proceeding.

The planning commission may abandon any proceeding which the commission has initiated. (Ord. 336 § 2.03.040, 1977).

17.82.060 Planning commission--Report.

After the commission has held a public hearing, it shall render its decision in the form of a written report and recommendation to the council in the manner provided by Section 65855 of the Government Code. Such report shall be transmitted to the council by memorandum. The commission may recommend an intermediate zone classification as provided in Section 17.82.110. (Ord. 336 § 2.03.050, 1977).

17.82.070 Council--Hearing.

Upon receipt of the recommendation of the planning commission, the council shall act thereon as provided by Section 65856 of the Government Code. If the issue is an amendment to this title to change property from one zone to another, and the planning commission has recommended against the adoption of the amendment, the council shall not take any further action thereon unless an interested party requests such a public hearing by filing a written request with the planning director within ten days after the public hearing at which the planning commission made its recommendation, or within five days after the planning commission files its recommendation with the council, whichever date is last to occur. (Ord. 336 § 2.03.060, 1977).

17.82.080 Council--Action.

The council may approve, modify or disapprove the recommendation of the planning commission, as provided by Section 65857 of

the Government Code. The council shall not approve the proposed modification unless it determines that the proposed modification is consistent with the general plan. (Ord. 336 § 2.03.070, 1977).

17.82.090 Withdrawal of petition.

The planning commission or the council may, prior to action on a petition, permit the withdrawal of any petition or part thereof filed pursuant to this chapter. (Ord. 336 § 2.03.080, 1977).

17.82.100 Reapplication after denial.

If a rezoning application is denied, another petition to rezone substantially the same property shall not be accepted within a one-year period unless specific approval for such filing is given by the planning commission or the council. (Ord. 336 § 2.03.090, 1977).

17.82.110 Intermediate sequential zones.

The planning commission may recommend, and the council may adopt, without further notice or hearing, a zone which is intermediate between the present classification and the classification proposed for adoption, provided such intermediate zone falls between the present and proposed classifications on the sequence chart set forth below. The sequence categories (residential, commercial, industrial) are independent. [Ex.: If the proposed zone is RE-20 and the present zone is RE-2 acre, RE-30 is a proper intermediate zone, but neither an R1-15 zone (which is in the same category, but outside the sequence), nor a C-1 zone (which is outside the category) is an intermediate zone.]

Category	Sequence
A. Residential:	R1-5
	R1-6
	R1-7.5
	R1-10
	R1-12.5
	R1-15
	RE-20
	RE-30
	RE-1 acre
	RE-2 acre
B. Multifamily residential:	RA-3
	RA-5
	RA-10
C. Commercial:	R-2
	R-3
D. Industrial:	C-1
	C-2
	C-3
	C-4
E. Nonintermediate zones:	M-1
	M-2

The zones listed in this subsection are not intermediate to other zoning classifications.

O-A
PD
C-H
B-P
-DC

(Ord. 336 § 2.03.100, 1977).